



3739

PATENT

#5/1/03

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Parris S. Wellman et al.  
Application No.: 10/027,134  
Filed: December 20, 2001  
Entitled: BIPOLAR ABLATION ELECTRODES  
AND METHOD OF USE  
Docket No.: 102863-17

Group Art Unit: 3739

Examiner: A. Roane


Certificate of Mailing (37 C.F.R. 1.8(a))

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October 16, 2003

Date of Signature and Mail Deposit

By:

  
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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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TECHNOLOGY CENTER R3700

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This communication is in response to the Office Action dated September 24, 2003, requiring election/restriction of the above-referenced application to one of the following groups of claims:

- I. Claims 1-16 drawn to an ablation instrument; and
- II. Claims 17-19 drawn to a method of ablating tissue.

Applicants elect the Group I claims (1-16).

Upon election of the Group I claims, the Examiner further requires election of one of the following "patentably distinct species" of the present invention:


- I. Fig. 4A;
- II. Fig. 4B; and
- III. Fig. 4C.

Figures 4A-4C illustrate a cross-sectional view of three different embodiments of first and second members of an ablation device according to the present invention. All claims read on Figure 4C, and therefore Applicants elect the Group III species. Accordingly, no claims are withdrawn as being drawn to a non-elected species.

The Examiner is encouraged to telephone the undersigned attorney for Applicants if such communication is deemed to expedite prosecution of this application.

Respectfully submitted,

Date: October 16, 2003

  
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